



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,046	08/06/2001	Erin M. Defosse	064814.150	8949

7590

02/14/2005

Thomas R. Felger  
Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, TX 78501-2980

EXAMINER
----------

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/923,046	<b>Applicant(s)</b> DEFOSSE, ERIN M.	
	<b>Examiner</b> Stephan F Willett	<b>Art Unit</b> 2141	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                     |                                                                             |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) <u>10/4/01</u> | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/25/04; 5/28/04; 1/5/04; 2/4/03; 9/23/02; 1/30/01</u>                     | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "the network operations center" is unclear.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 2141

5. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-450 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,457,038. Although the conflicting claims are not identical, they are not patentably distinct from each other because equipment provisioning functions are obvious in light of the teachings in the reference of provisioning telephony services functions and broadband services functions.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 7-10, 15-21, 25-34, 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett with European Patent Number 0 602 787 A2 in view of Ote et al. with Patent Number 5,815,652.

9. As to claims 1-4, 7-10, 15-21, 25-34, 41-46, Barrett teaches means for application controllers to interface with remote equipment, host applications and vending machines that send data to a operations center via a wireless, wireline and pager LANs, page 3, lines 1-6, 32-50, page 7, lines 21-24, page 16, lines 43-47. Barrett teaches a controller relay of operation data as "a great deal of status (and other) information from the printer to the LAN via a NEB", page 7, lines

Art Unit: 2141

33-34. Barrett teaches the invention in the above claim(s) except for explicitly teaching interfacing a WAN with wireless means. In that Barrett operates to interface with wireless machines, the artisan would have looked to the communication arts for details of implementing communications with alternative devices. In that art, Ote, a related network, teaches networks that use public lines, col. 5, lines 11-12 in order to provide communications with devices. Ote specifically teaches "the SVP manager is remotely connected" col. 3, lines 55-56. Interfacing with a WAN is taught. Further, Ote suggests "a remote management computer", col. 5, lines 12-13 will result from implementing the control system to create various LANs and WANs. The motivation to incorporate vending machines (i.e. "computer to be managed") control via WANs insures that all devices are monitored. Thus, it would have been obvious to one of ordinary skill in the art to incorporate monitoring vending machines via a WAN as taught in Ote into the monitoring system described in Barrett because Barrett operates remote monitoring and Ote suggests that said monitoring can be applied to vending machines via a WAN. Therefore, by the above rational, the above claims are rejected.

1. Claims 1-4, 7-10, 15-21, 25-34, 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stapp with Patent Number 5,930,771 in view of Mostafa et al. with Patent Number 5,949,779.

2. As to claims 1-4, 7-10, 15-21, 25-34, 41-46, Stapp teaches means for application controllers to interface with remote equipment, host applications and vending machines that send data to a operations center via a wireless, wireline and pager LANs, col. 5, lines 29-47 and 59-67. Stapp teaches the invention in the above claim(s) except for explicitly teaching interfacing a WAN with wireless means. In that Stapp operates to interface with wireless machines, the artisan

Art Unit: 2141

would have looked to the communication arts for details of implementing communications with alternative devices. In that art, Mostafa, a related ATM network, teaches networks at residences, col. 3, lines 27-28 in order to provide communications with devices. Mostafa specifically teaches that "broadcasts ... to all the CEBus networks" col. 8, lines 39-41. Interfacing with a WAN is taught. Further, Mostafa suggests that "a house system address is used with a group of CEBus devices", col. 7, lines 40-41 will result from implementing the control system to create various LANs and WANs. The motivation to incorporate vending machines control via WANs insures that all devices are monitored. Thus, it would have been obvious to one of ordinary skill in the art to incorporate monitoring vending machines via a WAN as taught in Mostafa into the monitoring system described in Stapp because Stapp operates remote monitoring and Mostafa suggests that said monitoring can be applied to vending machines via a WAN. Therefore, by the above rational, the above claims are rejected.

1. Claims 1-4, 7-10, 15-21, 25-34, 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stapp with Patent Number 5,930,771 in view of Farris with Patent Number 5,805,997.

2. As to claims 1-4, 7-10, 15-21, 25-34, 41-46, Stapp teaches means for application controllers to interface with remote equipment, host applications and vending machines that send data to a operations center via a wireless, wireline and pager LANs, col. 5, lines 29-47 and 59-67. Stapp teaches the invention in the above claim(s) except for explicitly teaching interfacing a WAN with wireless means. In that Stapp operates to interface with wireless machines, the artisan would have looked to the communication arts for details of implementing communications with alternative devices. In that art, Farris, a related wireless network, teaches other links, col. 11,

Art Unit: 2141

lines 58-62 in order to provide communications with devices. Farris specifically teaches that the system can "serve any size area covered by the Area Wide Centrex", col. 3, lines 2-3 and "wireless subscriber uses CDPD system to convey control signals, etc." at col. 11, lines 10-11.

Interfacing with a WAN is taught. Further, Farris suggests that "the MD-IS, which acts as a controller for the CDPD mobile data base stations", col. 4, lines 57-59 will result from implementing the control system. The motivation to incorporate vending machines control via wireless insures that all devices are monitored. Thus, it would have been obvious to one of ordinary skill in the art to incorporate monitoring vending machines via wireless as taught in Farris into the monitoring system described in Stapp because Stapp operates remote monitoring and Farris suggests that said monitoring can be applied to vending machines via wireless.

Therefore, by the above rational, the above claims are rejected.

3. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frau et al. with International Publication Number WO 95/04333 in view of Sedam et al. with Patent Number 4,412,292.

4. As to claims 1-4, 7-10, 15-21, 25-34, 41-46, Frau teaches means for application controllers to interface with remote equipment, host applications and vending machines that send data to a operations center via a wireless, wireline and pager LANs, page 1, lines 1-10. Frau teaches the invention in the above claim(s) except for explicitly teaching interfacing a WAN with vending machines. In that Frau operates to interface with wireless machines, the artisan would have looked to the communication arts for details of implementing communications with alternative devices. In that art, Sedam, a related wireless network, teaches "other forms or combinations of communication links such as radio or telegraph communications may be

Art Unit: 2141

utilized", col. 3, lines 40-44 in order to provide communications with devices. Sedam specifically teaches that "each vending machine to be monitored" at col. 4, lines 54-55.

Controlling vending machines via a WAN is taught. Further, Sedam suggests that "the capability of monitoring a vending machine, and reporting that machine's complete status", col. 4, lines 57-59 will result from implementing the control system. The motivation to incorporate vending machines insures that all devices are monitored. Thus, it would have been obvious to one of ordinary skill in the art to incorporate monitoring vending machines as taught in Sedam into the monitoring system described in Frau because Frau operates remote monitoring and Sedam suggests that said monitoring can be applied to vending machines. Therefore, by the above rational, the above claims are rejected.

5. As to claim 5-6, Sedam teaches autoconfiguration of the LAN (col. 5, lines 12-15).

6. As to claim 11-13, 22-24, 35-38, 40, 47-49, Frau teaches dispensing data stored in a database, page 10, lines 6-7.

7. As to claim 14, 39, 50, Frau teaches equipment operation databases interfaced with the LAN (page 3, line 13-17, 21-23 and 26-34, page 4, lines 1-35).

8. As to claims 40-44, Frau teaches third party or user interfaces to the vending machines (page 7, lines 4-20).



**Conclusion**

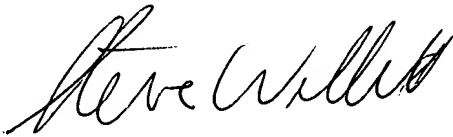
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. The other references cited teach numerous other ways to perform wireless vending machine status transmissions, thus a close review of them is suggested.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on 571-272-4225. The fax phone number for the organization where this application or proceeding is assigned is 571-273-0044.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

sfw

A handwritten signature in cursive script, appearing to read "Steve Willett".

December 7, 2004